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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,357	12/19/2000	Craig S. Aman	10003506	3380
28159	7590	07/13/2007	EXAMINER	
PHILIPS MEDICAL SYSTEMS PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3003 22100 BOTHELL EVERETT HIGHWAY BOTHELL, WA 98041-3003			HADIZONOOZ, BANAFSHEH	
		ART UNIT	PAPER NUMBER	
		3714		
		MAIL DATE	DELIVERY MODE	
		07/13/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/739,357	AMAN, CRAIG S.
	<b>Examiner</b>	<b>Art Unit</b>
	Banafsheh Hadizoneoz	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 May 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 and 37-47 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-25,37-47 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12/19/2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

### **Detailed Action**

In response to the amendment filed on 08/25/2006, Claims 1- 47 are pending in this office action. This office action is made **Final**.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-2, 4-5, 14-16, 18-19, 39-40 and 44-47 are rejected under 35**

**U.S.C. 102(e) as being anticipated by Melker et al. (US Patent No. 6,535,714).**

Regarding claims 1 and 14 Melker discloses a method for providing instruction on the use of medical device to a user computer, the method comprising: receiving a request for instruction on the use of a medical device over a network, the request originating from the user computer (col. 2, lines 62-63; col. 4, lines 14-20); providing a first graphical user interface having a list of instructional topics associated with the medical device to the user computer in response to the request (Figure 3, col. 3, lines 12-20); providing a second graphical user interface with a list of instructional sub-topics associated with an item on the list of instructional topics to the user computer (col. 6, lines 48-51) in response to receiving a request for the item on the list of instructional

topics from the user computer (Figure 3); providing a plurality of instructional graphical user interfaces having instructions pertaining to an item on the list of instructional sub-topics to the user computer in response to receiving a request for the item on the list of the instructional sub-topics from the user computer (col. 6, lines 56-57), at least one of the first, second and plurality of instructional graphical user interfaces including at least one interactive simulation object with which interaction simulates operating controls or device instruments of the medical device (col. 6, lines 5-19); and generating a feedback in response to interacting with the interactive simulation object indicating (i) whether a particular interaction is appropriate under given conditions (**col. 7, line 50-64**); and (ii) the correctness on the use of the medical device (col. 6, lines 61-63). Also, as in claim 14, Melker discloses that the system further comprises a server and communications network (col. 5, lines 50-54).

Regarding claims 2, 15, and 39, Melker discloses that the medical device could be an automatic external defibrillator (col. 8, lines 47-52).

Regarding claims 4, 18, and 40, Melker discloses providing audio output in the interactive training (col. 5, lines 25-27).

Regarding claims 5 and 19, Melker discloses providing linear (i.e., through any chosen presentation) and non-linear (i.e., through the menus and for additional remediation as necessary) navigation from at least one of the graphical user interfaces to another of the graphical user interfaces (col. 6, lines 56-57; col. 7, lines 18-23; col. 7, line 64 - col. 8, line 4).

Regarding claim 16, Melker discloses that the network is an Internet or Intranet (Figure

1).

Regarding claims 44-47, Melker discloses that the interactive simulation object comprises a medical device control object (col. 5, lines 15-22) that can be a medical device first aid instrument object (see col. 8, examples).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 6-7, 8-13, 20-22, 23-25, 38 and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melker in view of Ramshaw et al. (US Patent No. 5,791,907).**

Regarding claims 6, 20, and 41, Melker does not expressly disclose that the instructional information in each of the plurality of instructional graphical user interfaces includes a text description of the one or more operational steps pertaining to the selected item on the list of instructional sub-topics. However, Ramshaw teaches a medical device instruction system that provides a description for each device in a set of devices available, as well as providing text descriptions of step-by-step procedures in using the devices (Figures 5 and 8; col. 10, lines 43-49; col. 11, lines 61-64). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the text feature into the system of Melker in order to add clarity to the

procedure steps, since a video clip or image alone may not place enough emphasis on essential aspects of the procedure steps. Furthermore, regarding claims 7, 21, and 42, Ramshaw teaches providing still images illustrating the text description of the operational step (col. 11, lines 54-59) and regarding claims 9, 23, and 43, Ramshaw teaches that along with the text describing the procedural step, a video of the step may also be presented (col. 11, lines 60-61).

Regarding claims 10 and 24, Melker teaches that instructions are provided based on the order in which the one or more procedural steps should be performed (col. 7, lines 54-59; lines 64-67).

Regarding claims 11 and 25, Melker discloses that the medical device could be an automatic external defibrillator (col. 8, lines 47-52).

Regarding claims 8, 12-13, and 22, Melker discloses providing an interactive animation illustrating the text description of the operational steps, wherein user interaction is required for the animation (col. 6, lines 3-19).

Regarding claim 38, Melker discloses providing a medical device control object in a first graphical user interface simulating a control of the medical device (See Col. 2, lines 48-56), and providing feedback in response to interacting with the medical device control object (See Col. 7, 22-29, and 50-63). Melker does not specifically disclose providing a medical device first aid instrument object and allowing a trainee to interact with the medical device first aid instrument object. However, Ramshaw discloses a system for interactive medical training wherein the users are able to manipulate the displayed medical device by means of selecting the instruments that are to be used in connection

with the laparoscopic surgery (See Figs 13 a- 13j). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the features of the Ramshaw's invention into the system and method of Melker in order to provide more flexibility with the system.

**Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melker.**

Melker discloses that the instructional topics include a utility of the medical device item (col. 7, lines 1-5), an operation of the medical device item (col. 7, lines 5-7), and troubleshooting of the medical device item (col. 7, lines 14-15). Melker does not expressly disclose a section covering device maintenance. However, the examiner takes Official Notice that it is common and well-known in the art of teaching the use of medical devices to teach device maintenance as well as device use. As a simple example, when one is taught how to use a pipet, they are notified that they should never hold the pipet upside down while there is liquid in the plastic tip, and that they should always store the pipet with the tip downwards to prevent damage to the device. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate a section for device maintenance (especially as a sub-topic in device operation) in order to prevent misuse and shortening of device lifetime through incorrect storage.

***Response to Arguments***

Applicant's arguments filed on 08/25/2006 with respect to the rejection of claims 1, 14 and 38 under 35 U.S.C 102(e) and claims 3, 6-7, 8-13, 17, 20-22, 23-25 and 41-43 under 35 U.S.C 103(a) have been fully considered but they are not persuasive.

The applicant argues that the office action fails to point to two distinct interfaces as discussed in claim one. Claim 1 of the instant application discloses a first GUI having a list of instructional topics, and a second GUI having a list of instructional sub-topics. Applicant argues that the Melker reference does not disclose a second graphical user interface with a list of sub-topics. However, examiner notes that Melker reference discloses a first Graphical User Interface, which includes a menu with a list of topics in his invention (See Fig. 3). Applicant should note that Melker further expressly discloses that all the menus outlined in Figure 3 may also contain submenus. Although Melker goes on to elaborate on each of the menus topics in the same paragraph, the submenus are not the same as the menus topics. In fact, in the example following immediately after, he discloses that for example the Basic Physiology topic would have a section on cardiovascular system. Melker's invention is a method for teaching proper use of variety of medical devices, therefore each of the topics need to expand to cover subtopics, as disclosed in the prior art, including cardiovascular system.

Applicant also argues that the Melker reference only is concerned whether the particular interaction is correct. However, Melker specifically discloses that the appropriate use of the device is necessary in advancing the user to the next lesson.

In response to the applicant's request for reinstatement of appeal, examiner notes that according to MPEP Section 1207.04 the applicant can choose between options (1) or (2), which in this case the applicant chose to submit an amendment.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Banafsheh Hadizonooy whose telephone number is 571-272-1242. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272- 6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BH



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